Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN:	914-03039-2637-145
Date:	03/01/2014
Time:	0930 hrs.
Location:	[redacted] EAST AVENUE P-12
City or Station:	PALMDALE
Bureau/Station/Facility:	NPD / PALMDALE
Admin. Investigation:	○ YES ⦿ NO
Type of Force:	PERSONAL WEAPONS, TAKE DOWN, CONTROL TECHNIQUES
Incident Category:	○ 1 ⦿ 2 ○ 3
Deputy Injury:	⦿ YES ○ NO
Suspect Injury	⦿ YES ○ NO
☐ Call ☐ Observation ☒ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified:	⦿ YES ○ NO
Person Notified:	SGT. DENISON
Emp:	[redacted]
IAB Roll Out	○ YES ⦿ NO

Involved Employee

E 1

Employee #	[redacted]
Last Name	[redacted]
First Name	[redacted]
Middle I.	
Rank	DEP
Sex:	[redacted] M [redacted] F
Race:	[redacted]
Height:	[redacted]
Weight:	[redacted]
Age:	[redacted]
Shift:	[redacted] EM [redacted] Day [redacted] PM
	[redacted] Regular Shift [redacted] OT Shift [redacted] Off Duty
Unit of Assignment:	[redacted]
Work Assignment (Unit #, Module, etc.):	[redacted]
Individual Force Used:	PERSONAL WEAPONS, TAKEDOWN, CONTROL TECH
	○ Directed ○ Rescue ○ Medical Assist
Individual Category	○ 1 ⦿ 2 ○ 3
☒ Injured ☐ Treated ☐ Admitted	Facility: SELF TREATED
Coroner Case #	

E 2

Employee #	[redacted]
Last Name	[redacted]
First Name	[redacted]
Middle I.	[redacted]
Rank	DEP
Sex:	⦿ M ○ F
Race:	H
Height:	602
Weight:	260
Age:	[redacted]
Shift:	○ EM ⦿ Day ○ PM
	⦿ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment:	COPS
Work Assignment (Unit #, Module, etc.):	CN1A12
Individual Force Used:	PERSONAL WEAPONS
	○ Directed ○ Rescue ○ Medical Assist
Individual Category	○ 1 ⦿ 2 ○ 3
☐ Injured ☐ Treated ☐ Admitted	Facility:
Coroner Case #	

E _

Employee #	
Last Name	
First Name	
Middle I.	
Rank	
Sex:	○ M ○ F
Race:	
Height:	
Weight:	
Age:	
Shift:	○ EM ○ Day ○ PM
	○ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment:	
Work Assignment (Unit #, Module, etc.):	
Individual Force Used:	
	○ Directed ○ Rescue ○ Medical Assist
Individual Category	○ 1 ○ 2 ○ 3
☐ Injured ☐ Treated ☐ Admitted	Facility:
Coroner Case #	

On Duty Supervisor

☐ Additional Involved Employees

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	NAGEL	ANDREW	S	SGT	YES ○ NO ⦿	YES ○ NO ⦿

Supervisor Completing Investigation

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	NAGEL	ANDREW	S	SGT	YES ○ NO ⦿	YES ○ NO ⦿

Watch Commander / Supervising Lieutenant

Emp #	Last Name	First Name	Middle I.	Rank
[redacted]	BRANDON	GLENN	L	LT

Watch Commander / Supervising Lieutenant's **Signature:** [signature] Date 042914

Copy Provided to Employee by: Emp #:

CAPTAIN DON P. FORD

Unit Commander **(Print Name)**

Unit Commander's **Signature:** [signature] 107935

[redacted] Emp #: 04/30/14 Date

DISCOVERY Use Only

FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

DIVISION FORCE REVIEW [signature] 6-11-14

Supervisor's Report on Use of Force
SUSPECT INFORMATION

9 1 4 - 0 3 0 3 9 - 2 6 3 7 - 1 4 5

Suspect Information

S 1

Last Name: STEVENS | First Name: DON | Middle Name: HOWARD | Armed? Select: Not Armed

AKA Last Name: | First Name: | Middle Name:

Sex: (●) Male ( ) Female | Race: W | Age: 62 | Height: 509 | Weight: 200 | D.O.B: 03/05/51 | Phone #1: ( ) H ( ) W ( ) C NO PHONE | Phone #2: ( ) H ( ) W ( ) C NONE

Street Address: [redacted] | City: [redacted] | State & Z[redacted]

Booking #: 3880162 | Primary Charge Code: 243(b) PC | Secondary Charge Code: 69 PC | [redacted] Criminal History

Treated on Scene? (●) YES ( ) NO | Name: LA CO FIRE CPT POST | Unit: ENGINE #37 | Phone #: (661) 947-7244

Hospital Admission? [ ] | Rec'd Treatment At: PALMDALE REGIONAL | Coroner Case #: | Mental History [ ] User's guide provides direction on this entry

By: DR. LEUNG | Address: 38600 MEDICAL CENTER DR | Phone #: 661-382-5000

Under Influence: ( ) YES (●) NO | Substance: | 5150 a factor in force? ( ) YES (●) NO User's guide provides direction on this entry

SUSPECT INTERVIEW

Date: 03/01/14 | Time: 1143 | [ ] Audiotape: | [X] Videotape: | [X] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S_

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | [ ] Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? [ ] | Rec'd Treatment At: | Coroner Case #: | Mental History [ ] User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

SUSPECT INTERVIEW

Date: | Time: | [ ] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S_

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | [ ] Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? [ ] | Rec'd Treatment At: | Coroner Case #: | Mental History [ ] User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

SUSPECT INTERVIEW

Date: | Time: | [ ] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

[ ] **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

9 1 4 - 0 3 0 3 9 - 2 6 3 7 - 1 4 5

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	29	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	17	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ Additional Witness

Method

(AW)	Arwen	(FH)	Firearm (Handgun)	(PO)	Personal Weapon (Other)
(BC)	Baton: (Control)	(FR)	Firearm (Rifle)	(RS)	Resistance
(BI)	Baton: (Impact)	(FS)	Firearm (Shotgun)	(RO)	Restraint Device (Other)
(BF)	Bodily Fluids	(FO)	Firearm (Other)	(RH)	Restraint Device (Handcuffs)
(CN)	Canine	(FB)	Flashbang	(HB)	Restraint Device: Hobble (Legs Only)
(CR)	Carotid Restraint	(FL)	Flashlight	(TP)	Restraint Device: Hobble (TARP)
(CH)	Choke Hold	(OE)	Other Weapon: Edged	(RE)	Restraint Device: REACT Belt
(CT)	Control Holds: (Control Techniques)	(OV)	Other Weapon: Vehicle	(SP)	Sap
(TT)	Control Holds: (Team Takedown)	(OB)	Other Weapon: Blunt Object	(SH)	Shield
(TD)	Control Holds: (Takedown)	(OO)	Other Weapon: Other	(IR)	Less Lethal Impact Round (other)
(CE)	Chemical	(PK)	Personal Weapon: Feet/Leg: (Kick)	(SB)	Sting Ball
(OC)	Chemical Agents (OC Spray)	(PS)	Personal Weapon: Feet/Leg: (Sweep)	(ST)	Stun Bag
(TG)	Chemical Agents (Tear Gas)	(PH)	Personal Weapon (Hand/Arm)	(TR)	Taser
(EX)	Explosives	(PP	Personal Weapon (Push)	(UC)	Uncooperative
				(HR)	High Risk

Type of Injury

(AB)	Abrasion	(DB)	Dog Bite	(PA)	Paralysis
(BR)	Bruise	(FR)	Fractures	(PW)	Puncture Wound
(BU)	Burn	(GS)	Gunshot	(SD)	Soft Tissue Damage
(CP)	Complaint of Pain	(HB)	Human Bite	(ST)	Sprain/Twists
(CO)	Concussion	(LC)	Lacerations	(UN)	Unconscious
(DH)	Death	(ND)	Nerve Damage	(RM)	Refused Med Treatment
(DI)	Dislocation	(OD)	Organ Damage	(NN)	NONE

Body Part Involved

(AD)	Abdomen	(FA)	Face	(HI)	Hip
(AK)	Ankle	(FE)	Feet	(IN)	Internal
(AR)	Arm	(FI)	Fingers	(KN)	Knees
(BK)	Back	(GE)	Genitals	(LE)	Leg
(BT)	Buttocks	(GR)	Groin	(NK)	Neck
(CH)	Chest	(HD)	Hands	(NO)	Nose
(EL)	Elbow	(HE)	Head	(SH)	Shoulder
				(WR)	Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
STEVENS	S1	[redacted]	E1	UC	NN	
STEVENS	S1	[redacted]	E1	RS	NN	
[redacted]	E1	STEVENS	S1	CT	LC	FA
					FR	NO
STEVENS	S1	[redacted]	E1	RS	NN	
[redacted]	E1	STEVENS	S1	TD	NN	AD
STEVENS	S1	[redacted]	E1	PH	NN	
[redacted]	E1	STEVENS	S1	CT	NN	BK
STEVENS	S1	[redacted]	E1	PH	NN	
STEVENS	S1	[redacted]	E1	RS	NN	
[redacted]	E2	STEVENS	S1	PK	CP	BT
[redacted]	E1	STEVENS	S1	PH	BR	FA
STEVENS	S1	[redacted]	E1	RS	AB	LE
STEVENS	S1	[redacted]	E2	RS	NN	
[redacted]	E2	STEVENS	S1	CT	NN	LE
[redacted]	E1	STEVENS	S1	CT	NN	AR
STEVENS	S1	[redacted]	E1	RS	NN	
STEVENS	S1	[redacted]	E2	RS	NN	
[redacted]	E2	STEVENS	S1.	PH	CP	AD
[redacted]	E1	STEVENS	S1	RH	NN	WR
[redacted]	E2	STEVENS	S1	RH	NN	WR

Force Applied

CATEGORY 2 / PERSONAL WEAPONS, TAKEDOWN, CONTROL TECHNIQUES

Incident Details

On Saturday, March 1, 2014, Palmdale deputies were conducting a neighborhood survey in a focus area which is known to have a high crime problem. Palmdale deputies were assisted by several ancillary support units in this endeavor.

While conducting the survey, Deputy [redacted] had knocked on the door at a duplex apartment unit. An unknown male had opened the door slightly, and upon finding out about the survey, closed the door.

Deputy [redacted] went to the second unit of the duplex to knock on the door, when he was alerted by his partner that the occupant of the last unit had just exited. Deputy [redacted] looked over and saw the occupant exiting the duplex unit and run south into the backyard. Deputy [redacted] immediately recognized the occupant as being a wanted narcotics suspect whom he had arrested in the past (Suspect Stevens).

Knowing the suspect could not go too far, Deputy [redacted] coordinated with other units on his survey team via radio, to set up a containment. There were nine deputies on the team, who were working together on A-Tac-1-Direct.

Eventually the suspect was found in the backyard of the residence located one property south of the suspect's residence. Deputies [redacted] and [redacted] jumped over a fence from an adjacent property which was just east of the suspect's location.

Deputy [redacted] ordered the suspect to stop. The suspect momentarily complied allowing the deputies to close in. The suspect was standing near a five foot high wooden fence, separating the yard he was in from the yard to his residence. As the deputies got closer, the suspect quickly tried to jump over the fence. The suspect's clothing got caught on the fence, putting the suspect in a horizontal position to the ground on the opposite side of the fence.

Deputy [redacted] walked over to the suspect and grabbed hold of the suspect's shirt and pants to try and pull him back into the yard. As he did, the suspect began yelling, "Police brutality! Let me go!" and began twisting his body. As he did this, Deputy [redacted] lost his grip on the suspect's clothing, causing the suspect to fall to the ground. The suspect's forehead and right side of his face hit the ground first, followed by the rest of his body.

Deputy [redacted] jumped over the fence, ordering the suspect to stop. Upon doing this, the suspect was able to regain his composure and got to his feet. Deputy [redacted] again ordered to suspect to stop. The suspect started to run, but Deputy [redacted] was close enough to wrap his arms around the suspect's upper torso from behind. As he did, the suspect tried to pull away, swinging his arms and

fists behind him in an attempt to break free from Deputy [redacted]s grasp. This caused Deputy [redacted] to lose his balance. They both fell to the ground, the suspect on his stomach and Deputy [redacted] on the suspect's back.

Deputy [redacted] got onto his feet and tried to hold the suspect down with his knees on the suspect's back. Deputy [redacted] ordered the suspect to place his hands behind his back. The suspect placed his right hand under his body in the front waistband area and then, using his left hand, grabbed onto Deputy [redacted]s right ankle, in an attempt to pull Deputy [redacted] back onto the ground. Deputy [redacted] was able to keep himself from losing his balance and repositioned himself.

The suspect then used his left hand to raise his body, and was getting up on his right knee. Deputy [redacted] was fearful of the suspect's right hand still being in the suspect's waistband area and now the suspect was positioning himself to either shoot at Deputy [redacted] if he had a gun, or get back onto his feet. Deputy [redacted] had finally made it over the fence and had seen the suspect grab Deputy [redacted]s ankle. He also saw the suspect getting up on his right knee. Deputy [redacted] kicked the suspect's left buttocks with his right foot, to get the suspect back onto the ground, as Deputy [redacted] punched the suspect once on the left side of the suspect's face in an attempt to get the suspect to submit. The suspect fell back onto the ground.

The suspect kicked out his legs in an attempt to reposition himself to stand up. Deputy [redacted] grabbed the suspect's legs to control him while both he and Deputy [redacted] gave orders for the suspect to stop fighting and to place his hands behind his back.

Deputy [redacted] saw an opportunity to gain control of the suspect's left arm and grabbed it with both of his hands. As he did, Deputy [redacted] released the suspect's legs and tried to pull on the suspect's right arm, which was still under the suspect's body. The suspect immediately kicked out his legs again and refused commands to place his hands behind his back. Deputy [redacted] punched the suspect once on the suspect's right side in the rib area, to get the suspect to release his right arm. The suspect submitted by releasing his resistance on both arms, allowing the deputies to handcuff him without further incident.

The suspect was seen by Los Angeles County Fire paramedics at the scene and was transported by deputies to Palmdale Regional Medical Center. The suspect received stitches to his forehead as a result of falling to the ground when he fled from deputies.

Deputies [redacted] and [redacted] immediately reported their use of force to me.

Suspect Stevens was arrested for his open narcotics offense, an additional no bail arrest warrant and new charges of battery on a peace officer and resisting arrest.

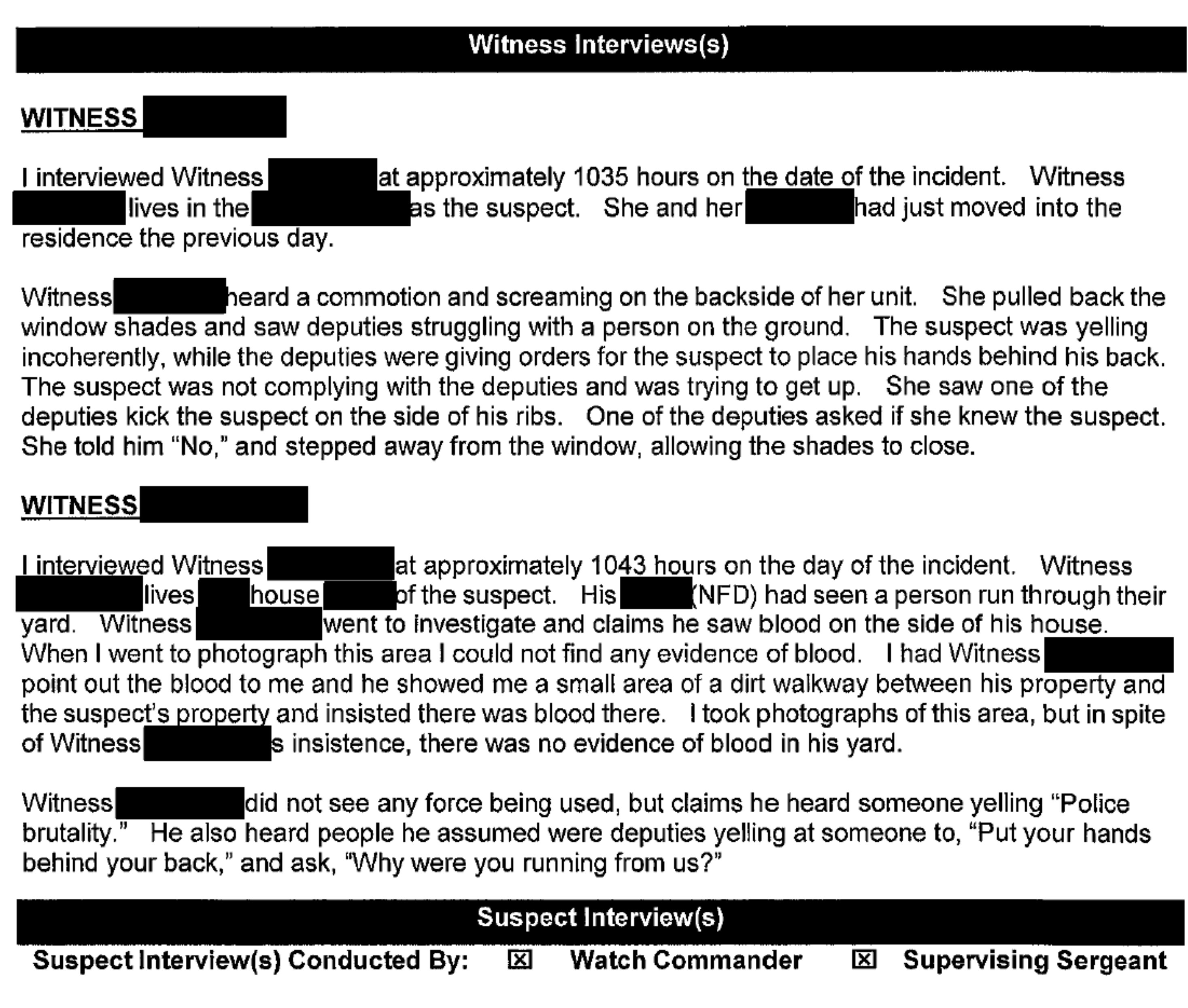
Reported Use of Force by Involved Employee(s)

I reviewed Deputy [redacted]s report. His written report was consistent with his verbal account.

I reviewed Deputy [redacted] report. His written report was consistent with his verbal account.

Supervisor's Report on Use of Force
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Witness Interviews(s)



WITNESS [redacted]

I interviewed Witness [redacted] at approximately 1035 hours on the date of the incident. Witness [redacted] lives in the [redacted] as the suspect. She and her [redacted] had just moved into the residence the previous day.

Witness [redacted] heard a commotion and screaming on the backside of her unit. She pulled back the window shades and saw deputies struggling with a person on the ground. The suspect was yelling incoherently, while the deputies were giving orders for the suspect to place his hands behind his back. The suspect was not complying with the deputies and was trying to get up. She saw one of the deputies kick the suspect on the side of his ribs. One of the deputies asked if she knew the suspect. She told him "No," and stepped away from the window, allowing the shades to close.

WITNESS [redacted]

I interviewed Witness [redacted] at approximately 1043 hours on the day of the incident. Witness [redacted] lives [redacted] house [redacted] of the suspect. His [redacted] (NFD) had seen a person run through their yard. Witness [redacted] went to investigate and claims he saw blood on the side of his house. When I went to photograph this area I could not find any evidence of blood. I had Witness [redacted] point out the blood to me and he showed me a small area of a dirt walkway between his property and the suspect's property and insisted there was blood there. I took photographs of this area, but in spite of Witness [redacted]s insistence, there was no evidence of blood in his yard.

Witness [redacted] did not see any force being used, but claims he heard someone yelling "Police brutality." He also heard people he assumed were deputies yelling at someone to, "Put your hands behind your back," and ask, "Why were you running from us?"

Suspect Interview(s)

Suspect Interview(s) Conducted By: ☒ **Watch Commander** ☒ **Supervising Sergeant**

WATCH COMMANDER INTERVIEW

Lieutenant Brandon and I (Sergeant Andrew Nagel) interviewed Suspect Stevens in the emergency room of Palmdale Regional Medical Center at 1143 hours on the day of the incident. Suspect Stevens stated he ran from the deputies because he did not want to go to jail for his outstanding arrest warrants. He stated he hid in his neighbor's backyard, just south of his residence for 15 to 20 minutes. He thought the deputies had left and poked his head up. The deputies saw him and climbed over a fence to get to him. As they got close to him, he jumped over a wooden fence back into his yard. As he did, one of the deputies grabbed onto his leg. The deputy let go of his leg and he fell to the ground, striking the right side of his head.

As Suspect Stevens got back on his feet, the deputy had jumped over the fence. The deputy then "rammed" him from behind, knocking him to the ground. The deputy then began punching his upper torso while pushing down on the back of his head, forcing his face into the ground.

Suspect Stevens said the deputy told him to lie down on the ground and he was complying, but the deputies were punching him. He could not recall where his hands were, but at some point he remembers the deputies grabbing hold of them and placing them behind his back.

Suspect Stevens stated that neither deputy had hit him on his face. The injuries to his face were caused when the deputy let go of his leg and he fell to the ground.

Suspect Stevens stated he has not done drugs in over 40 years. He does not drink, is not on any prescription medications and is not under the care of a psychologist or psychiatrist.

Medical Review

Lieutenant Brandon and I (Sergeant Andrew Nagel) videotaped Suspect Stevens while he showed us the injured areas of his body. We observed an approximate one inch cut starting at the suspect's right eyebrow, near his nose. The cut went diagonally up towards the center of the suspect's forehead. The cut was approximately 3/16 inch wide.

The suspect's left eye was swollen shut and there was bruising under the eye. The left side of the suspect's face was swollen compared to the right side.

The suspect complained of pain to the right side of his body and back, presumably from being punched. There was no evidence of redness, bruising or swelling to this area.

There was a six inch long abrasion on the left side of the suspect's chest, approximately three inches below his left nipple. This appeared to have been caused when the suspect jumped over the fence.

There was an abrasion just above the suspect's left buttock, which was covered with dried dirt. This injury appeared consistent with Deputy [redacted] account of where he kicked the suspect. There was also a circular abrasion on the lower left portion of the suspect's back, and a small scrape on the suspect's left elbow.

I contacted Dr. Leung and advised him of the force used by deputies and pointed out the injuries sustained by the suspect and the suspect's complaint of pain. Dr. Leung stated the injuries appeared consistent with the deputies' account of events.

Training &Tactical Review

☒ **Debriefing held to discuss training and tactical issues.**

Suspect Stevens was a known felony suspect. He had several opportunities to submit to the deputies' authority, yet chose to evade them. Even after the suspect fell to the ground, striking his

head, he still managed to get back onto his feet and once again, began to run from the deputies.

Given the tense, rapidly evolving situation presented, and the fact the suspect was continuing to flee, the tactic of grabbing the suspect's upper torso was a minimal use of force. Once again, the suspect failed to cooperate, forcing both he and the deputy to the ground. The tactic by Deputy [redacted] of punching the suspect in the face, coupled with Deputy [redacted] kicking the suspect's left buttocks, worked to regain control of the suspect. Deputy [redacted] punching the suspect in the ribs allowed him to gain control of the suspect's right hand which was under his body. The suspect's continued refusal to comply with deputies' orders and submit to their lawful authority led to the proper escalation and de-escalation of force.

Per the "Situational Use of Force Options Chart," the force used was objectively reasonable, justified and within Department Policy. Additionally, the force used was a direct result of the suspect's actions, which included resistive and assaultive behavior. I recommend no further action be taken in this matter.

Although the force was reasonable, I believe there are several tactical issues which need to be addressed. First and foremost, I believe this incident should not have been coordinated over a direct frequency. Although the team had nine deputies, they were all on foot. Additional personnel would have provided radio cars and the personnel needed for a proper containment and search of the area.

Secondly, this rater does not believe the deputies should have jumped over the fence initially to apprehend the suspect. The suspect should have been ordered into a felony prone position prior to the deputies jumping the fence. Additional units should then have been summoned to close in and surround the suspect. An arrest team should have been formed to secure the suspect.

Regardless, once the deputies had entered the yard with the suspect, the threat of pepper spray may have deterred the suspect's inclination to flee.

Although fist strikes are authorized by the department, a better option, especially when striking the head, is a "palm heel" strike. This type of strike lessens the chances of injury to the deputy and is generally a more forceful strike to the suspect.

Each of these tactics were discussed with the deputies involved. They were receptive to my critique of this incident.

Watch Commander's Review

I reviewed this reported use of force in its entirety, including all known reports, videotapes, interviews and other documentation.

Deputy [redacted] had good legal standing, authority, and a positive duty to apprehend Suspect Stevens based upon his recognition of being a named felony suspect in a crime report. When he attempted to

do so, Suspect Stevens had little regard for the deputies' presence and lawful orders. Deputy [redacted] and [redacted] used swift, decisive, and immediate actions to stop the suspect's assault on them.

Based on Sergeant Nagel's investigation of this incident and my review and interview with the suspect, I determined the force used by Deputy [redacted] and Deputy [redacted] was objectively reasonable, necessary, and within Department Policy and the law.

I concur with Sergeant Nagel's critique of the tactics used in this incident. I too have discussed these concerns with the deputies involved and agree they were receptive to the alternative methods discussed. I recommend no further action.

Case Status

On March 20, 2014, Suspect Stevens pled guilty to three counts of 69 PC (MA062254). He was sentenced to eight months in county jail and three years of probation.